

Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 124: REAL ESTATE APPRAISAL LICENSING
AND CERTIFICATION HEADING: PL 1999, c. 185, §5 (new)

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Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 124: REAL ESTATE APPRAISAL LICENSING
AND CERTIFICATION HEADING: PL 1999, c. 185, §5 (new)

Subchapter 1: GENERAL PROVISIONS HEADING: PL 1999, C. 185, §5 (NEW)

§14001. SHORT TITLE

This chapter may be known and cited as the "Real Estate Appraisal Licensing and Certification Act."
[1999, c. 185, §5 (NEW).]

SECTION HISTORY
1999, c. 185, §5 (NEW).

§14002. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 185, §5 (NEW).]

1. Appraisal. "Appraisal" means an analysis, opinion or conclusion prepared by a real estate appraiser related to the nature, quality, value or utility of specified interests in, or aspects of, identified real property.

[1999, c. 185, §5 (NEW) .]

2. Appraisal foundation. "Appraisal foundation" means the appraisal foundation incorporated as an Illinois nonprofit corporation on November 30, 1987 and recognized under the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as the organization that establishes the Uniform Standards of Professional Appraisal Practice.

[1999, c. 185, §5 (NEW) .]

3. Appraiser qualifications board. "Appraiser qualifications board" means an independent board of the appraisal foundation authorized to establish the minimum education, experience and examination criteria for licensed real estate appraisers.

[1999, c. 185, §5 (NEW) .]

4. Appraisal report. "Appraisal report" means any written or oral communication of an appraisal.

[1999, c. 185, §5 (NEW) .]

5. Board. "Board" means the Board of Real Estate Appraisers.

[1999, c. 185, §5 (NEW) .]

6. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

[1999, c. 185, §5 (NEW) .]

7. Complex residential property. "Complex residential property" means a residential property of one to 4 units exhibiting characteristics, determined by the board, that are not typical of the property type or marketplace, including, but not limited to:

- A. Unusual forms of ownership, such as partial interests; [1999, c. 185, §5 (NEW).]
- B. Property interests other than fee simple, such as those encumbered by easements, life estates or elaborate lease terms; [1999, c. 185, §5 (NEW).]
- C. Unstable market conditions; [1999, c. 185, §5 (NEW).]
- D. Changing patterns of land use when issues of compatibility, zoning and highest and best use are significant factors; [1999, c. 185, §5 (NEW).]
- E. Environmentally contaminated properties; and [1999, c. 185, §5 (NEW).]
- F. Physical characteristics, such as lot size, topography and building type, that are unusual. [1999, c. 185, §5 (NEW).]

[1999, c. 185, §5 (NEW) .]

8. Department. "Department" means the Department of Professional and Financial Regulation.

[1999, c. 185, §5 (NEW) .]

9. Federally related transaction. "Federally related transaction" means any financial transaction related to real estate that:

- A. A federal financial institution's regulatory agency or the Resolution Trust Corporation or its successor agency engages in, contracts for or regulates; and [2009, c. 112, Pt. A, §20 (NEW).]
- B. Requires the services of a real estate appraiser. [2009, c. 112, Pt. A, §20 (NEW).]

[2009, c. 112, Pt. A, §20 (RPR) .]

10. Noncomplex residential property. "Noncomplex residential property" means property that is not defined as complex residential property in subsection 7.

[1999, c. 185, §5 (NEW) .]

11. Real estate. "Real estate" means an identified parcel of land, including improvements, if any.

[1999, c. 185, §5 (NEW) .]

12. Real estate appraisal activity. "Real estate appraisal activity" means the act or process of making an appraisal of real property and communicating a report.

[1999, c. 185, §5 (NEW) .]

13. Real estate appraiser. "Real estate appraiser" means a person who engages in real estate appraisal activity for a fee or other valuable consideration. "Real estate appraiser" includes review appraisers and appraisal administrators.

[1999, c. 185, §5 (NEW) .]

14. Real property. "Real property" means one or more defined interests, benefits or rights inherent in the ownership of real estate.

[1999, c. 185, §5 (NEW) .]

15. Uniform Standards of Professional Appraisal Practice. "Uniform Standards of Professional Appraisal Practice" means those standards adopted by the appraisal standards board of the appraisal foundation.

[1999, c. 185, §5 (NEW) .]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2009, c. 112, Pt. A, §20 (AMD).

§14003. LICENSE REQUIRED

Except as provided in section 14004, it is unlawful for a person to prepare, for a fee or other valuable consideration, an appraisal or appraisal report relating to real estate or real property in this State without first obtaining a real estate appraisal license. Only an individual may be licensed under this chapter. This section does not apply to individuals who do not render significant professional assistance in arriving at a real estate appraisal analysis, opinion or conclusion. Nothing in this chapter prohibits any person who is licensed to practice in this State under any other law from engaging in the practice for which that person is licensed. [2007, c. 402, Pt. GG, §1 (AMD).]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2007, c. 402, Pt. GG, §1 (AMD).

§14004. EXEMPTION

Real estate appraisal activity does not include: [1999, c. 185, §5 (NEW).]

1. Salaried employees. Appraisals prepared by a salaried employee of a real estate owner who, in the regular course of employment, makes appraisals of the real estate of the employer or of real estate under consideration for purchase or exchange for the sole consideration of the employer; and

[1999, c. 185, §5 (NEW) .]

2. Brokers or associate brokers. Appraisals or opinions of market value prepared by associate brokers or brokers who maintain active licenses pursuant to chapter 114 rendered for purposes other than for federally related transactions.

[1999, c. 185, §5 (NEW) .]

Any opinion or appraisal of market value rendered under this section must contain the following language in bold print in a prominent location: "This opinion or appraisal was prepared solely for the client, for the purpose and function stated in this report and is not intended for subsequent use. It was not prepared by a licensed or certified appraiser and may not comply with the appraisal standards of the uniform standards of professional appraisal practice." [1999, c. 185, §5 (NEW).]

SECTION HISTORY

1999, c. 185, §5 (NEW).

§14005. CIVIL ACTIONS

A person may not bring or maintain any action in the courts of this State for the collection of compensation for the performance of real estate appraisal services without first proving that the person was properly licensed by the board at the time the cause of action arose. [1999, c. 185, §5 (NEW).]

SECTION HISTORY

1999, c. 185, §5 (NEW).

§14006. VIOLATION

A person who violates section 14003 is subject to the provisions of Title 10, section 8003-C. [2007, c. 402, Pt. GG, §2 (AMD).]

SECTION HISTORY

1999, c. 185, §5 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). RR 2001, c. 1, §42 (COR). 2001, c. 421, §B104 (AMD). 2001, c. 421, §C1 (AFF). 2007, c. 402, Pt. GG, §2 (AMD).

Subchapter 2: BOARD HEADING: PL 1999, C. 185, §5 (NEW)

§14011. BOARD OF REAL ESTATE APPRAISERS; ESTABLISHMENT

1. Establishment. The Board of Real Estate Appraisers is established within the department pursuant to Title 5, section 12004-A, subsection 9-B and shall carry out the purposes of this Act.

[1999, c. 185, §5 (NEW) .]

2. Members. The board consists of 7 members appointed by the Governor. Each member must be a resident of this State. The board consists of:

A. Two public members as defined in Title 5, section 12004-A; and [2007, c. 402, Pt. GG, §3 (AMD) .]

B. Five members who hold valid appraiser licenses, including at least one member who holds a certified general license. [1999, c. 185, §5 (NEW) .]

[2007, c. 402, Pt. GG, §3 (AMD) .]

3. Geographic distribution.

[2007, c. 402, Pt. GG, §3 (RP) .]

4. Terms; removal. Terms of the members of the board are for 3 years. Appointments of members must comply with Title 10, section 8009. Members may be removed by the Governor for cause.

[2007, c. 402, Pt. GG, §3 (AMD) .]

5. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.

[2013, c. 246, Pt. B, §27 (AMD) .]

6. Election of officers.

[2007, c. 402, Pt. GG, §3 (RP) .]

7. Exemption from standard. The following are exempt from the requirements of the Uniform Standards of Professional Appraisal Practice, Standard 3 (2011):

A. A board member serving in the capacity of assigned complaint officer while performing an investigation or testifying at an adjudicatory hearing; [2011, c. 286, Pt. L, §1 (NEW) .]

B. A board member serving in the capacity of reviewer while reviewing the work experience of an applicant for licensure; and [2011, c. 286, Pt. L, §1 (NEW) .]

C. An investigator employed by or retained by the department while performing an investigation or testifying at an adjudicatory hearing. [2011, c. 286, Pt. L, §1 (NEW).]

[2011, c. 286, Pt. L, §1 (NEW) .]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2007, c. 402, Pt. GG, §3 (AMD). 2011, c. 286, Pt. L, §1 (AMD). 2013, c. 246, Pt. B, §27 (AMD).

§14012. RULES

The board may establish guidelines and rules by which this chapter must be administered. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. Rules are subject to Title 5, chapter 375, subchapter II. [1999, c. 185, §5 (NEW).]

1. Hearings.

[2007, c. 402, Pt. GG, §4 (RP) .]

2. Investigations.

[2007, c. 402, Pt. GG, §5 (RP) .]

3. Standards. The board may adopt rules consistent with the standards set forth in this chapter governing real estate appraisal conduct in order to establish standards of practice that serve the interest of the public and the appraisal business.

[1999, c. 185, §5 (NEW) .]

4. License qualifications. The board may adopt rules relating to the qualifications and application for any license authorized under this chapter that it considers necessary to ensure that applicants are sufficiently trustworthy and competent to make real estate appraisals.

[1999, c. 185, §5 (NEW) .]

5. Education. The board may adopt rules to be applied in determining whether educational programs meet the license qualifications required under this chapter.

[1999, c. 185, §5 (NEW) .]

6. Other. The board may adopt and enforce other rules that are necessary for the performance of its duties under this chapter.

[1999, c. 185, §5 (NEW) .]

7. Fees.

[2005, c. 262, Pt. D, §1 (RP) .]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2005, c. 262, §D1 (AMD). 2007, c. 402, Pt. GG, §§4, 5 (AMD).

§14012-A. FEES

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$450 annually. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2009, c. 241, Pt. D, §1 (AMD); 2011, c. 286, Pt. A, §5 (REV).]

SECTION HISTORY

2005, c. 262, §D2 (NEW). 2009, c. 241, Pt. D, §1 (AMD). 2011, c. 286, Pt. B, §5 (REV).

§14013. HEARINGS

(REPEALED)

SECTION HISTORY

1999, c. 185, §5 (NEW). 1999, c. 687, §F10 (AMD). 2007, c. 402, Pt. GG, §6 (RP).

§14014. GROUNDS FOR DISCIPLINARY ACTION

(REPEALED)

SECTION HISTORY

1999, c. 185, §5 (NEW). 2007, c. 402, Pt. GG, §7 (RP).

§14014-A. DENIAL OF OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [2007, c. 402, Pt. GG, §8 (NEW).]

1. Lack of trustworthiness. Lack of trustworthiness and competence to conduct real estate appraisal activity in a manner that safeguards the interests of the public;

[2007, c. 402, Pt. GG, §8 (NEW) .]

2. Misconduct. The commission of an act or omission in the practice of real estate appraising that constitutes dishonesty, fraud or misrepresentation with the intent to benefit the licensee or another person or with the intent to injure another person;

[2007, c. 402, Pt. GG, §8 (NEW) .]

3. Court judgment. The entry of a final civil or criminal judgment against a licensee on grounds of fraud, misrepresentation or deceit in the making of an appraisal of real estate;

[2007, c. 402, Pt. GG, §8 (NEW) .]

4. Unauthorized payment. Payment of a finder's fee or a referral fee to a person who does not have an appraiser license in this State in connection with an appraisal of real estate or real property in this State;

[2007, c. 402, Pt. GG, §8 (NEW) .]

5. Misrepresentation of professional qualifications. Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;

[2007, c. 402, Pt. GG, §8 (NEW) .]

6. Predetermined appraisal result. Accepting a fee for performing an independent appraisal service when, in fact, the fee is or was contingent upon the appraiser's reporting a predetermined analysis, opinion or conclusion or is or was contingent upon the analysis, opinion, conclusion or valuation reached or upon the consequences resulting from the appraisal assignment;

[2007, c. 402, Pt. GG, §8 (NEW) .]

7. Lack of diligence. Failure or refusal, without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

[2007, c. 402, Pt. GG, §8 (NEW) .]

8. Negligence or incompetence. Negligence or incompetence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

[2007, c. 402, Pt. GG, §8 (NEW) .]

9. Breach of confidentiality. A violation of the confidential nature of individual, business or governmental records to which a licensee or applicant gained access through employment or engagement as an appraiser;

[2007, c. 402, Pt. GG, §8 (NEW) .]

10. Suspension or revocation of license. Having had a professional or occupational license suspended or revoked for disciplinary reasons or an application rejected for reasons related to untrustworthiness within 3 years prior to the date of application; and

[2007, c. 402, Pt. GG, §8 (NEW) .]

11. Failure to meet professional qualifications; failure to submit complete application. Failure to meet the professional qualifications for licensure as provided in this subchapter or failure to submit a complete application within 30 days after being notified of the materials needed to complete the application.

[2007, c. 402, Pt. GG, §8 (NEW) .]

SECTION HISTORY

2007, c. 402, Pt. GG, §8 (NEW).

Subchapter 3: CERTIFIED GENERAL, CERTIFIED RESIDENTIAL, REAL PROPERTY APPRAISER, APPRAISER TRAINEE, TEMPORARY LICENSE HEADING: PL 1999, C. 185, §5 (NEW)

§14021. GENERAL QUALIFICATIONS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

This section governs the application for licensure under this chapter. [1999, c. 185, §5 (NEW) .]

1. Application. The applicant must submit a properly completed application on forms furnished by the board, together with a required fee as set under section 14012-A.

[2005, c. 262, Pt. D, §3 (AMD) .]

2. Age. The applicant must be at least 18 years of age at the time of application.

[1999, c. 185, §5 (NEW) .]

3. Residence. The applicant shall provide evidence of the applicant's legal residence.

[1999, c. 185, §5 (NEW) .]

4. High school. The applicant must be a high school graduate or hold an equivalency certificate.

[1999, c. 185, §5 (NEW) .]

5. Reputation. The applicant must have a good reputation for honesty, truthfulness, fair dealing and competency.

[2013, c. 217, Pt. J, §6 (AMD) .]

6. Other. The applicant shall comply with other requirements that may be prescribed by the board from time to time.

[1999, c. 185, §5 (NEW) .]

7. (TEXT EFFECTIVE 1/1/15) Fingerprinting. In accordance with standards adopted by the appraiser qualifications board, an applicant shall submit a set of the applicant's fingerprints, taken by a law enforcement officer, and any other information necessary for a statewide and nationwide criminal history record check to be completed by the Department of Public Safety, State Bureau of Identification and the Federal Bureau of Investigation, commencing at the time determined by the appraiser qualifications board. All costs associated with the criminal history record check are the responsibility of the applicant and must be submitted with the fingerprints. Criminal history records provided to the board of real estate appraisers are confidential and may only be used to determine an applicant's eligibility for licensure. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of a criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal record check may inspect and review criminal history record information pursuant to Title 16, section 709.

[2013, c. 547, §1 (NEW); 2013, c. 547, §19 (AFF) .]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2005, c. 262, §D3 (AMD). 2007, c. 402, Pt. GG, §9 (AMD). 2013, c. 217, Pt. J, §6 (AMD). 2013, c. 547, §1 (AMD). 2013, c. 547, §19 (AFF).

§14022. PLACE OF BUSINESS

A licensee shall designate and maintain a principal place of business where real estate appraisal records may be inspected for purposes consistent with this chapter. A nonresident is not required to maintain a place of business in this State if the nonresident maintains an active place of business in another jurisdiction.

[2013, c. 217, Pt. H, §1 (AMD).]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2009, c. 112, Pt. A, §21 (AMD). 2013, c. 217, Pt. H, §1 (AMD).

§14023. LICENSE DENIAL

(REPEALED)

SECTION HISTORY

1999, c. 185, §5 (NEW). 2007, c. 402, Pt. GG, §10 (RP).

§14024. NONRESIDENTS AND APPLICANTS LICENSED IN ANOTHER JURISDICTION

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Consent to service.

[2013, c. 217, Pt. K, §9 (RP) .]

2. (TEXT EFFECTIVE UNTIL 1/1/15) Reciprocal agreements. The board may enter into reciprocal agreements with other jurisdictions that have substantially equivalent licensure laws and accord substantially equal reciprocal rights to residents licensed in good standing in this State.

[1999, c. 185, §5 (NEW) .]

2. (TEXT REPEALED 1/1/15) Reciprocal agreements.

[2013, c. 547, §19 (AFF); 2013, c. 547, §2 (RP) .]

3. (TEXT EFFECTIVE UNTIL 1/1/15) Applicants licensed in another jurisdiction. An applicant who is licensed under the laws of another jurisdiction is governed by this subsection.

A. An applicant who is licensed under the laws of a jurisdiction that has a current reciprocal agreement with the board may obtain a license upon such terms and conditions as may be agreed upon through the reciprocal agreement. [1999, c. 185, §5 (NEW) .]

B. An applicant who is licensed, in good standing, under the laws of a jurisdiction that has not entered into a reciprocal agreement with the board may qualify for licensure by submitting evidence, satisfactory to the board, that the applicant has met all of the qualifications for licensure equivalent to those as set forth by this subchapter for that level of licensure. [1999, c. 185, §5 (NEW) .]

[1999, c. 185, §5 (NEW) .]

3. (TEXT EFFECTIVE 1/1/15) Applicants licensed in another jurisdiction. An applicant who is licensed under the laws of another jurisdiction may be issued a license if:

A. [2013, c. 547, §19 (AFF); 2013, c. 547, §3 (RP) .]

B. [2013, c. 547, §19 (AFF); 2013, c. 547, §3 (RP) .]

C. The applicant holds a license in good standing from a jurisdiction with requirements for licensure that meet or exceed the license requirements as set forth by this subchapter for that level of licensure; and [2013, c. 547, §3 (NEW); 2013, c. 547, §19 (AFF) .]

D. The appraiser licensing program of the other jurisdiction complies with Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as determined by the federal agency responsible for the determination under that Act. [2013, c. 547, §3 (NEW); 2013, c. 547, §19 (AFF).]

[2013, c. 547, §3 (AMD); 2013, c. 547, §19 (AFF) .]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2013, c. 217, Pt. K, §9 (AMD). 2013, c. 547, §§2, 3 (AMD). 2013, c. 547, §19 (AFF).

§14025. LICENSE RENEWAL

A license expires on the date set by the Commissioner of Professional and Financial Regulation pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license was issued. A license may be renewed upon receipt of an application for renewal and payment of the renewal fee as set under section 14012-A and upon the applicant presenting evidence of compliance with the requirements of section 14027. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee, as set under section 14012-A, in addition to a required renewal fee as set under section 14012-A. [2009, c. 241, Pt. D, §2 (AMD).]

The board shall deny a renewal license to any applicant whose license has lapsed for more than 90 days unless the applicant satisfies the provisions governing new applicants under this subchapter, except that the board may waive the education and examination requirements for new applicants if the renewal application is received, together with a late fee, renewal fee and additional late fee as set under section 14012-A, within 2 years from the date of that expiration. [2007, c. 402, Pt. GG, §11 (AMD).]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2005, c. 262, §D4 (AMD). 2007, c. 402, Pt. GG, §11 (AMD). 2009, c. 241, Pt. D, §2 (AMD).

§14026. CHANGES

(REPEALED)

SECTION HISTORY

1999, c. 185, §5 (NEW). 2007, c. 402, Pt. GG, §12 (RP).

§14027. CONTINUING EDUCATION

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. (TEXT EFFECTIVE UNTIL 1/1/15) Requirement. As a prerequisite to renewal of a license, an applicant must have completed continuing education as set forth by rules adopted by the board.

[2011, c. 286, Pt. L, §2 (AMD) .]

1. (TEXT EFFECTIVE 1/1/15) Requirement. As a prerequisite to renewal of a license, an applicant must have completed continuing education as set forth by rules adopted by the board. An applicant may not repeat for credit the same continuing education course offering within a license renewal cycle.

[2013, c. 547, §4 (AMD); 2013, c. 547, §19 (AFF) .]

2. Program approval. Each application for approval of a continuing education program or courses must be submitted according to the rules adopted by the board together with a required fee as set under section 14012-A.

[2005, c. 262, Pt. D, §5 (NEW) .]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2005, c. 262, §D5 (RPR). 2005, c. 518, §1 (AMD). 2009, c. 241, Pt. D, §3 (AMD). 2011, c. 286, Pt. L, §2 (AMD). 2013, c. 547, §4 (AMD). 2013, c. 547, §19 (AFF).

§14028. STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

A real estate appraiser licensed under this chapter shall comply with generally accepted standards of professional appraisal practice and generally accepted ethical rules to be observed by a real estate appraiser. Generally accepted standards of professional appraisal practice and ethics are currently, at a minimum, those established by the Uniform Standards of Professional Appraisal Practice. [1999, c. 185, §5 (NEW) .]

SECTION HISTORY

1999, c. 185, §5 (NEW).

§14029. INDIVIDUAL LICENSING

(REPEALED)

SECTION HISTORY

1999, c. 185, §5 (NEW). 2007, c. 402, Pt. GG, §13 (RP).

§14030. CERTIFIED GENERAL REAL PROPERTY APPRAISER

(REPEALED)

SECTION HISTORY

1999, c. 185, §5 (NEW). 2005, c. 262, §D6 (AMD). 2005, c. 518, §2 (AMD). MRSA T. 32, §14030, sub-§3 (RP).

§14031. CERTIFIED RESIDENTIAL REAL PROPERTY APPRAISER

(REPEALED)

SECTION HISTORY

1999, c. 185, §5 (NEW). 2005, c. 262, §D7 (AMD). 2005, c. 518, §3 (AMD). MRSA T. 32, §14031, sub-§3 (RP).

§14032. LICENSED REAL PROPERTY APPRAISER

(REPEALED)

SECTION HISTORY

1999, c. 185, §5 (NEW). 2005, c. 262, §D8 (AMD). 2005, c. 518, §4 (AMD). MRSA T. 32, §14032, sub-§3 (RP).

§14033. TRAINEE REAL PROPERTY APPRAISER*(REPEALED)*

SECTION HISTORY

1999, c. 185, §5 (NEW). 2005, c. 518, §5 (AMD). MRSA T. 32, §14033, sub-§5 (RP).

§14034. TEMPORARY LICENSE

A temporary license may be issued to a nonresident in accordance with this section. [1999, c. 185, §5 (NEW).]

1. Scope of license. A temporary license authorizes the holder to perform the appraisal of real estate or real property in this State required by a contract.

[1999, c. 185, §5 (NEW) .]

2. Professional qualifications. An applicant for a temporary license must:

A. Submit evidence that the applicant is licensed in good standing under the laws of another jurisdiction; and [2013, c. 588, Pt. A, §42 (RPR).]

B. [2013, c. 217, Pt. K, §11 (RP).]

C. Submit a copy of the contract for appraisal services that requires the applicant to appraise real estate or real property in this State and certify that the contract is in full force and effect. [1999, c. 185, §5 (NEW).]

[2013, c. 588, Pt. A, §42 (AMD) .]

3. License limitations. A temporary license expires upon the completion of the appraisal work required by the contract or upon the expiration of a period of 6 months from the date of issuance, whichever occurs first. A temporary license may be extended for a period of 6 months from the expiration date of the original license upon request of the license holder and as necessary to fulfill the terms of the contract for appraisal services.

[1999, c. 185, §5 (NEW) .]

SECTION HISTORY

1999, c. 185, §5 (NEW). 2013, c. 217, Pt. H, §2 (AMD). 2013, c. 217, Pt. K, §§10, 11 (AMD). 2013, c. 588, Pt. A, §42 (AMD).

§14035. CERTIFIED GENERAL REAL PROPERTY APPRAISER*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

1. Scope of license. A certified general real property appraiser license entitles the holder to appraise all types of real property.

[2005, c. 518, §6 (NEW) .]

2. (TEXT EFFECTIVE UNTIL 1/1/15) Professional qualifications. An applicant for a certified general real property appraiser license must meet the licensing requirements promulgated by the appraiser qualifications board. Each applicant must:

A. Hold a bachelor's or higher degree from an accredited college or university or have successfully passed 30 semester credit hours in the following college-level subject matter courses from an accredited college, junior college, community college or university:

- (1) English composition;
- (2) Microeconomics;
- (3) Macroeconomics;
- (4) Finance;
- (5) Algebra, geometry or higher mathematics;
- (6) Statistics;
- (7) Computers, word processing and spreadsheets;
- (8) Business or real estate law; and
- (9) Two elective courses in accounting, geography, agricultural economics, business management or real estate.

An applicant may receive credit for a college course for an exam taken through a college-level examination program if a college or university accredited by a commission on colleges, a regional or national accreditation association or an accrediting agency that is recognized by the United States Secretary of Education accepts the exam and issues a transcript showing its approval; [2011, c. 286, Pt. L, §3 (AMD).]

B. Satisfactorily complete 300 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; [2005, c. 518, §6 (NEW).]

C. Pass the appraiser qualifications board's uniform state-certified general real property appraiser examination; and [2005, c. 518, §6 (NEW).]

D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal experience obtained during no fewer than 30 months, including 1,500 hours of nonresidential appraisal work. [2005, c. 518, §6 (NEW).]

[2011, c. 286, Pt. L, §3 (AMD).]

2. (TEXT EFFECTIVE 1/1/15) Professional qualifications. An applicant for a certified general real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14035-A, an applicant must:

A. Hold a bachelor's or higher degree from an accredited college or university or have successfully passed 30 semester credit hours in the following college-level subject matter courses from an accredited college, junior college, community college or university:

- (1) English composition;
- (2) Microeconomics;
- (3) Macroeconomics;
- (4) Finance;
- (5) Algebra, geometry or higher mathematics;
- (6) Statistics;
- (7) Computers, word processing and spreadsheets;
- (8) Business or real estate law; and

(9) Two elective courses in accounting, geography, agricultural economics, business management or real estate.

An applicant may receive credit for a college course for an exam taken through a college-level examination program if a college or university accredited by a commission on colleges, a regional or national accreditation association or an accrediting agency that is recognized by the United States Secretary of Education accepts the exam and issues a transcript showing its approval; [2011, c. 286, Pt. L, §3 (AMD).]

A. Hold a bachelor's or higher degree from an accredited college or university;

[2013, c. 547, §5 (AMD); 2013, c. 547, §19 (AFF).]

B. Satisfactorily complete 300 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and [2013, c. 547, §5 (AMD); 2013, c. 547, §19 (AFF).]

C. [2013, c. 547, §19 (AFF); 2013, c. 547, §5 (RP).]

D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal experience obtained during no fewer than 30 months, including 1,500 hours of nonresidential appraisal work. [2005, c. 518, §6 (NEW).]

[2013, c. 547, §5 (AMD); 2013, c. 547, §19 (AFF).]

3. (TEXT EFFECTIVE UNTIL 1/1/15) Effective date. This section takes effect January 1, 2008.

[2005, c. 518, §6 (NEW).]

3. (TEXT REPEALED 1/1/15) Effective date.

[2013, c. 547, §19 (AFF); 2013, c. 547, §6 (RP).]

SECTION HISTORY

2005, c. 518, §6 (NEW). 2011, c. 286, Pt. L, §3 (AMD). 2013, c. 547, §§5, 6 (AMD). 2013, c. 547, §19 (AFF).

§14035-A. REQUIRED EXAMINATION; CERTIFIED GENERAL REAL PROPERTY APPRAISER

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 1/1/15)

An applicant for a certified general real property appraiser license must pass the appraiser qualifications board's uniform state-certified general real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a certified general real property appraiser license within 24 months of successfully completing the examination. [2013, c. 547, §7 (NEW); 2013, c. 547, §19 (AFF).]

SECTION HISTORY

2013, c. 547, §7 (NEW). 2013, c. 547, §19 (AFF).

§14036. CERTIFIED RESIDENTIAL REAL PROPERTY APPRAISER*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

1. Scope of license. A certified residential real property appraiser license entitles the holder to appraise residential real estate or real property of one to 4 residential units, without regard to value or complexity and to appraise vacant or unimproved land that is to be used for one to 4 family units or for which the highest and best use is for one to 4 family units. A certified residential real property appraiser license does not entitle the holder to appraise subdivisions for which a development analysis and appraisal is necessary.

[2005, c. 518, §7 (NEW) .]

2. (TEXT EFFECTIVE UNTIL 1/1/15) Professional qualifications. An applicant for a certified residential real property appraiser license must meet the licensing requirements promulgated by the appraiser qualifications board. Each applicant must:

A. Hold an associate's or higher degree from an accredited college or university or have successfully passed 21 semester credit hours in the following collegiate level subject matter courses from an accredited college, junior college, community college or university:

- (1) English composition;
- (2) Principles of microeconomics or macroeconomics;
- (3) Finance;
- (4) Algebra, geometry or higher mathematics;
- (5) Statistics;
- (6) Computers, word processing and spreadsheets; and
- (7) Business or real estate law.

An applicant may receive credit for a college course for an exam taken through a college-level examination program if a college or university accredited by a commission on colleges, a regional or national accreditation association or an accrediting agency that is recognized by the United States Secretary of Education accepts the exam and issues a transcript showing its approval; [2011, c. 286, Pt. L, §4 (AMD) .]

B. Satisfactorily complete 200 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; [2005, c. 518, §7 (NEW) .]

C. Pass the appraiser qualifications board's uniform state-certified residential real property appraiser examination; and [2005, c. 518, §7 (NEW) .]

D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal experience obtained during no fewer than 24 months, including complex residential property appraisals completed under the supervision of a certified residential real property appraiser or a certified general real property appraiser under section 14035. [2009, c. 112, Pt. A, §22 (AMD) .]

[2011, c. 286, Pt. L, §4 (AMD) .]

2. (TEXT EFFECTIVE 1/1/15) Professional qualifications. An applicant for a certified residential real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14036-A, an applicant must:

A. Hold an associate's or higher degree from an accredited college or university or have successfully passed 21 semester credit hours in the following collegiate level subject matter courses from an accredited college, junior college, community college or university:

- (1) English composition;

- (2) Principles of microeconomics or macroeconomics;
- (3) Finance;
- (4) Algebra, geometry or higher mathematics;
- (5) Statistics;
- (6) Computers, word processing and spreadsheets; and
- (7) Business or real estate law.

An applicant may receive credit for a college course for an exam taken through a college-level examination program if a college or university accredited by a commission on colleges, a regional or national accreditation association or an accrediting agency that is recognized by the United States Secretary of Education accepts the exam and issues a transcript showing its approval; [2011, c. 286, Pt. L, §4 (AMD).]

A. Hold a bachelor's or higher degree from an accredited college or university;

[2013, c. 547, §8 (AMD); 2013, c. 547, §19 (AFF).]

B. Satisfactorily complete 200 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and [2013, c. 547, §8 (AMD); 2013, c. 547, §19 (AFF).]

C. [2013, c. 547, §19 (AFF); 2013, c. 547, §8 (RP).]

D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal experience obtained during no fewer than 24 months, including complex residential property appraisals completed under the supervision of a certified residential real property appraiser or a certified general real property appraiser under section 14035. [2009, c. 112, Pt. A, §22 (AMD).]

D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal experience obtained during no fewer than 24 months, including complex residential property appraisals completed under the supervision of a certified residential real property appraiser or a certified general real property appraiser under section 14035. [2009, c. 112, Pt. A, §22 (AMD).]

[2013, c. 547, §8 (AMD); 2013, c. 547, §19 (AFF).]

3. (TEXT EFFECTIVE UNTIL 1/1/15) Effective date. This section takes effect January 1, 2008.

[2005, c. 518, §7 (NEW).]

3. (TEXT REPEALED 1/1/15) Effective date.

[2013, c. 547, §19 (AFF); 2013, c. 547, §9 (RP).]

SECTION HISTORY

2005, c. 518, §7 (NEW). 2009, c. 112, Pt. A, §22 (AMD). 2011, c. 286, Pt. L, §4 (AMD). 2013, c. 547, §§8, 9 (AMD). 2013, c. 547, §19 (AFF).

§14036-A. REQUIRED EXAMINATION; CERTIFIED RESIDENTIAL REAL PROPERTY APPRAISER

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 1/1/15)

An applicant for a certified residential real property appraiser license must pass the appraiser qualifications board's uniform state-certified residential real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a certified residential real property appraiser license within 24 months of successfully completing the examination. [2013, c. 547, §10 (NEW); 2013, c. 547, §19 (AFF).]

SECTION HISTORY

2013, c. 547, §10 (NEW). 2013, c. 547, §19 (AFF).

§14037. LICENSED RESIDENTIAL REAL PROPERTY APPRAISER

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Scope of license. For federally related transactions, a residential real property appraiser license entitles the holder to appraise noncomplex residential property of one to 4 units having a transaction value of less than \$1,000,000 and complex residential property of one to 4 units having a transaction value of less than \$250,000. For purposes of this section, "complex residential property of one to 4 units" means property that is atypical based on the nature of the property, the form of ownership or the market conditions. For nonfederally related transaction appraisals, "transaction value" means market value. A residential real property appraiser license entitles the holder to appraise vacant or unimproved land that is used for one to 4 family purposes or for which the highest and best use is for one to 4 family purposes. A residential real property appraiser license does not entitle the holder to appraise subdivisions for which a development analysis and appraisal is necessary.

[2005, c. 518, §8 (NEW) .]

2. (TEXT EFFECTIVE UNTIL 1/1/15) Professional qualifications. Each applicant for a residential real property appraiser license must meet the licensing requirements promulgated by the appraiser qualifications board. Each applicant must:

- A. Satisfactorily complete 150 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standard of professional appraisal practice course and examination; [2005, c. 518, §8 (NEW) .]
- B. Pass the appraiser qualifications board's licensed residential real property appraiser examination; and [2005, c. 518, §8 (NEW) .]
- C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal experience obtained during no fewer than 12 months. [2005, c. 518, §8 (NEW) .]

[2005, c. 518, §8 (NEW) .]

2. (TEXT EFFECTIVE 1/1/15) Professional qualifications. An applicant for a residential real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14037-A, an applicant must:

- A. Satisfactorily complete 150 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standard of professional appraisal practice course and examination; [2005, c. 518, §8 (NEW) .]
- B. [2013, c. 547, §19 (AFF); 2013, c. 547, §11 (RP) .]
- C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal experience obtained during no fewer than 12 months; and [2013, c. 547, §11 (AMD); 2013, c. 547, §19 (AFF) .]

D. Hold an associate or higher degree from an accredited college or university or have successfully completed 30 semester credit hours of college-level courses from an accredited college, junior college, community college or university. [2013, c. 547, §11 (NEW); 2013, c. 547, §19 (AFF).]

[2013, c. 547, §11 (AMD); 2013, c. 547, §19 (AFF) .]

3. (TEXT EFFECTIVE UNTIL 1/1/15) Effective date. This section takes effect January 1, 2008.

[2005, c. 518, §8 (NEW) .]

3. (TEXT REPEALED 1/1/15) Effective date.

[2013, c. 547, §19 (AFF); 2013, c. 547, §12 (RP) .]

SECTION HISTORY

2005, c. 518, §8 (NEW). 2013, c. 547, §§11, 12 (AMD). 2013, c. 547, §19 (AFF).

§14037-A. REQUIRED EXAMINATION; RESIDENTIAL REAL PROPERTY APPRAISER

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 1/1/15)

An applicant for a residential real property appraiser license must pass the appraiser qualifications board's licensed residential real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a residential real property appraiser license within 24 months of successfully completing the examination. [2013, c. 547, §13 (NEW); 2013, c. 547, §19 (AFF).]

SECTION HISTORY

2013, c. 547, §13 (NEW). 2013, c. 547, §19 (AFF).

§14038. TRAINEE REAL PROPERTY APPRAISER

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Scope of license. A trainee real property appraiser license entitles the holder to appraise properties pursuant to this section under the supervision of a certified residential real property appraiser or a certified general real property appraiser. The trainee may appraise properties that the supervising certified residential real property appraiser or certified general real property appraiser is permitted by this chapter to appraise and is qualified to appraise.

[2005, c. 518, §9 (NEW) .]

2. (TEXT EFFECTIVE UNTIL 1/1/15) Professional qualification. Each applicant for a trainee real property appraiser license must meet the licensing requirements promulgated by the appraiser qualifications board. Each applicant must satisfactorily complete 75 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination.

[2005, c. 518, §9 (NEW) .]

2. (TEXT EFFECTIVE 1/1/15) Professional qualifications. An applicant for a trainee real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. An applicant must satisfactorily complete:

A. Seventy-five creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course, within 5 years of the date of application for licensure; and [2013, c. 547, §14 (NEW); 2013, c. 547, §19 (AFF).]

B. A supervisory appraiser and trainee appraiser course as specified by the appraiser qualifications board. [2013, c. 547, §14 (NEW); 2013, c. 547, §19 (AFF).]

[2013, c. 547, §14 (AMD); 2013, c. 547, §19 (AFF) .]

3. (TEXT EFFECTIVE UNTIL 1/1/15) Filing with board. Before employing a trainee real property appraiser, a supervising certified residential real property appraiser or certified general real property appraiser must register the name and starting date of employment of that trainee with the board.

[2005, c. 518, §9 (NEW) .]

3. (TEXT REPEALED 1/1/15) Filing with board.

[2013, c. 547, §19 (AFF); 2013, c. 547, §15 (RP) .]

4. (TEXT EFFECTIVE UNTIL 1/1/15) Trainee supervision limitations. A trainee real property appraiser may have more than one supervising certified residential real property appraiser or certified general real property appraiser, but a supervising appraiser may not supervise more than 3 trainee real property appraisers at one time.

[2005, c. 518, §9 (NEW) .]

4. (TEXT EFFECTIVE 1/1/15) Number of supervisors. A trainee real property appraiser may have more than one supervising certified residential real property appraiser or certified general real property appraiser.

[2013, c. 547, §16 (AMD); 2013, c. 547, §19 (AFF) .]

5. Limited license term. A trainee real property appraiser license may only be renewed for 5 annual terms. After 6 years, the trainee is not eligible for license renewal but must qualify as a new applicant.

[2009, c. 241, Pt. D, §4 (AMD) .]

6. (TEXT EFFECTIVE UNTIL 1/1/15) Effective date. This section takes effect January 1, 2008.

[2005, c. 518, §9 (NEW) .]

6. (TEXT REPEALED 1/1/15) Effective date.

[2013, c. 547, §19 (AFF); 2013, c. 547, §17 (RP) .]

SECTION HISTORY

2005, c. 518, §9 (NEW). 2009, c. 241, Pt. D, §4 (AMD). 2013, c. 547, §§14-17 (AMD). 2013, c. 547, §19 (AFF).

§14039. SUPERVISORY APPRAISER*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**(WHOLE SECTION TEXT EFFECTIVE 1/1/15)*

1. Scope of practice. A supervisory appraiser is responsible for the training, guidance and direct supervision of a trainee real property appraiser as set forth by rules adopted by the board.

[2013, c. 547, §18 (NEW); 2013, c. 547, §19 (AFF) .]

2. Certified level license required. A certified general real property appraiser or certified residential real property appraiser who has held a license for a minimum of 3 years and within the last 3 years has not had a license suspended or revoked or been subject to other disciplinary action that limits the licensee's legal eligibility to perform real estate appraisal activity may supervise a trainee real property appraiser.

[2013, c. 547, §18 (NEW); 2013, c. 547, §19 (AFF) .]

3. Completion of supervisory course. A supervisory appraiser must satisfactorily complete a supervisory appraiser and trainee appraiser course as specified by the appraiser qualifications board to supervise a trainee real property appraiser licensed on or after January 1, 2015.

[2013, c. 547, §18 (NEW); 2013, c. 547, §19 (AFF) .]

4. Filing with board. Before employing a trainee real property appraiser, a supervising certified residential real property appraiser or certified general real property appraiser must register the name and starting date of employment of that trainee with the board.

[2013, c. 547, §18 (NEW); 2013, c. 547, §19 (AFF) .]

5. Limitation on number of trainees. A supervisory appraiser may not supervise more than 3 trainee real property appraisers at one time.

[2013, c. 547, §18 (NEW); 2013, c. 547, §19 (AFF) .]

SECTION HISTORY

2013, c. 547, §18 (NEW). 2013, c. 547, §19 (AFF).

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